

IN THE SUPREME COURT OF THE STATE OF MONTANA

No. DA 10-0083

ORIGINAL

STATE OF MONTANA,

Plaintiff and Appellee,

v.

GARY ARNOLD SAVAGE,

Defendant and Appellant.

FILED

JUN - 1 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA**MOTION FOR EXTENSION OF TIME
AND AFFIDAVIT IN SUPPORT**

COMES NOW, Eileen A. Larkin, counsel of record for Defendant and Appellant, and respectfully requests an extension of time until July 7, 2010, in which to prepare, file, and serve the Appellant's opening brief in the above-entitled matter. In support of this motion, undersigned counsel respectfully submits the following affidavit.

Respectfully submitted this 1st day of June, 2010.

OFFICE OF THE STATE PUBLIC DEFENDER
Appellate Defender Office
139 N. Last Chance Gulch
P.O. Box 200145
Helena, MT 59620-0145

By: *Eileen A. Larkin*
Eileen A. Larkin
Assistant Appellate Defender

STATE OF MONTANA)
 : ss.

County of Lewis and Clark)

I, Eileen A. Larkin, being first duly sworn upon my oath, depose and state as follows:

1. I am a licensed, practicing attorney in the State of Montana, and am currently employed by the Office of State Public Defender, Appellate Defender Office, as an Assistant Appellate Defender.

2. In my capacity as Assistant Appellate Defender, I have been assigned to handle the above-entitled matter.

3. The Appellant's brief was initially due on May 6, 2010. It is currently due on June 7, 2010. This is the second request for an extension of time.

4. I have read the file and transcripts in this matter, *State v. Savage*, DA 10-0083, and I have performed legal research. I have discussed this matter with my client, and I am currently awaiting receipt of documents that will inform my analysis of the issues.

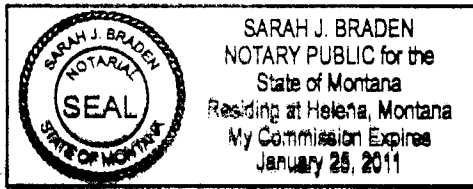
5. In addition to my workload of cases, I have been assisting the Chief Appellate Defender, Ms. Joslyn Hunt, with the screening and interviewing of a large applicant pool for an Assistant Appellate Defender opening as well as other administrative duties.

6. I will work diligently to complete the matter in the time requested.
7. Opposing counsel has been contacted concerning this motion and does not object.
8. Further your affiant sayeth naught.

Eileen A. Larkin

Eileen A. Larkin

SUBSCRIBED AND SWORN to before me this 1st day of June, 2010.



Sarah J. Braden

Sarah J. Braden

CERTIFICATE OF SERVICE

I hereby certify that I caused a true and accurate copy of the foregoing

Motion for Extension of Time and Affidavit in Support to be mailed to:

STEVE BULLOCK
Montana Attorney General
MARK MATTIOLI
Assistant Attorney General
215 North Sanders
P.O. Box 201401
Helena, MT 59620-1401

FRED R. VAN VALKENBURG
Missoula County Attorney
200 West Broadway
Missoula, MT 59802

GARY SAVAGE 24307
Montana State Prison
700 Conley Lake Road
Deer Lodge, MT 59722

DATED: _____

6/1/2010

